

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLANNA WARREN,

Plaintiff

v.

HILTON GRAND VACATIONS,

Defendant

Case No.: 2:23-cv-00988-APG-DJA

**Order Granting Motion to Dismiss With
Prejudice**

[ECF No. 63]

Plaintiff Allanna Warren filed suit against her employer, defendant Hilton Grand Vacations (HGV), in state court. ECF No. 1-3. HGV removed the action to this court based on federal question and diversity jurisdiction. ECF No. 1. I granted HGV's motion to dismiss the original complaint, with leave to amend. ECF No. 55. Warren filed an amended complaint. ECF No. 61. HGV again moves to dismiss, arguing that Warren did not fix any of the deficiencies I noted in my prior order, and she also included 14 new defendants without leave of the court. Warren filed an opposition, but she does not respond to most of HGV's arguments. Instead, she argues that because the defendants demand a jury, "they are not interested in dismissing this case and want the case to go to trial." ECF No. 93 at 1. Warren also refers to matters outside the amended complaint regarding statements made in a worker's compensation hearing. *Id.* at 2.

As an initial matter, the defendants' request for a jury if this matter proceeded to trial does not mean they are precluded from seeking dismissal. Federal Rule of Civil Procedure 38 requires a party to make a demand for a jury trial early in the case.

I grant HGV's motion to dismiss because Warren's amended complaint is nearly identical to the original complaint, with the only significant alteration being the unauthorized addition of 14 new defendants. Warren's amended complaint therefore does not correct any of the

1 deficiencies identified in my prior order. I deny Warren leave to amend because she had an
2 opportunity to amend and ignored the instructions in my order, including my admonition that the
3 amended complaint “should not include lengthy discussion of matters that are not relevant to
4 Warren’s claims against HGV in this case.” ECF No. 55 at 12; *see Metzler Inv. GMBH v.*
5 *Corinthian Colleges, Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (stating that “the district court’s
6 discretion to deny leave to amend is particularly broad where plaintiff has previously amended
7 the complaint” (quotation omitted)). I have no reason to believe she will respond differently if
8 given another opportunity to amend.

9 I THEREFORE ORDER that defendant Hilton Grand Vacations’ motion to dismiss
10 **(ECF No. 63) is GRANTED.** Plaintiff Allanna Warren’s amended complaint (ECF No. 61) is
11 dismissed with prejudice. The clerk of court is instructed to enter judgment in favor of defendant
12 Hilton Grand Vacations and against plaintiff Allanna Warren, and to close this case.

13 DATED this 4th day of April, 2024.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE